

BEFORE THE IOWA BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

DEC-05 2018

In the matter of)	Case No. 18-123
)	Folder No. 1027907
ALEXANDER W. DOLLY.)	
)	STIPULATED AGREEMENT
Respondent.)	

In accordance with the provisions of Iowa Code §§17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds an initial license (FOLDER #1027907) with the following endorsement: 5-12 Industrial Technology. Respondent's initial license is current and will expire on October 31, 2020. Respondent also holds a coaching authorization, which expires on October 31, 2021, and an expired teacher intern license.
2. Respondent was hired by the Waterloo Community School District on August 7, 2016, as support staff.
3. Respondent was then hired as a teacher on August 21, 2017.
4. On May 15, 2018, Respondent returned his signed acceptance of his 2018-2019 teaching contract to the Waterloo Community School District.
5. On August 1, 2018, Respondent sent an email which stated he resigned from his teaching position effective immediately.

6. The District did not grant Respondent's requested release from his contract. Respondent did not report to work after submitting his resignation.

7. Respondent admits that he did not obtain a release from Waterloo Community School District prior to Respondent's resignation as required by 282 IAC 25.3(5)(b)(1) and did not provide notice to the employing board in accordance with 282 IAC 25.3(5)(b)(2).

STIPULATED AGREEMENT

8. Respondent and the Waterloo Community School District have agreed as follows:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees to successfully complete at least seven and one-half (7.5) in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) year of the Board's acceptance of this Settlement Agreement and Final Order.

LICENSEE DECLARATION

I understand that this Stipulated Agreement is subject to the approval of the Board and will be of no force or effect if it is not accepted by the Board.

I understand State counsel will present this Stipulated Agreement and Final Order to the Board *ex parte*.


I agree to comply with the requirements set forth in the stipulations and requirements of this Stipulated Agreement and understand that my failure to do so can result in additional discipline of my license.

I understand that this Stipulated Agreement is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of state Directors of Teacher Education and Certification (NASDTEC).

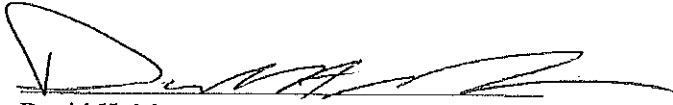
12-4-18
Date

12-4-18
Date


Alexander W. Dolly, Respondent

Dustin T. Zeschke / MVB
Dustin T. Zeschke
Attorney for Waterloo CSD

Approved as to form and content:

A handwritten signature in black ink, appearing to read 'David H. Mason', written over a horizontal line.

David H. Mason

Attorney for Respondent, Alexander W. Dolly

PROPOSED ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged, if proven, constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent shall successfully complete at least seven and one-half (7.5) in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) year of the date of this Order.

3. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17th day of January, 2018⁹.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copy to:

Alexander W. Dolly
1417 West Eighth Street
Cedar Falls, IA 50613

David H. Mason
Redfern, Mason, Larsen & Moore, P.L.C.
415 Clay Street
P.O. Box 627
Cedar Falls, IA 50613

Dustin T. Zeschke
Swisher & Cohrt, PLC
528 West Fourth Street
PO Box 1200
Waterloo, IA 50704

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 18-123
)	Folder No. 1027907
ALEXANDER W. DOLLY,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Wednesday, December 5, 2018, before Administrative Law Judge Emily Kimes-Schwiesow, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 1:00 p.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 1:00 p.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Waterloo Community School District.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code (IAC) chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.

5. Prosecution. The Complainant is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to the Complainant at the following address:

Waterloo Community School District
1516 Washington Street
Waterloo, IA 50702

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. Ann Lebo, the Board's Executive Director, at (515) 281-5849.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with abandoning a written professional employment contract without prior unconditional release by the employer, in violation of Board rule 282 IAC 25.3(5)(a)(3).

C. JURISDICTION AND LEGAL AUTHORITY

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 IAC chapter 11.

D. FACTUAL CIRCUMSTANCES

9. Respondent holds an INITIAL LICENSE (FOLDER # 1027907) with the following endorsement: 5-12 Industrial Technology. Respondent's initial license is current and will expire on October 31, 2020. Respondent also holds a coaching authorization, which expires on October 31, 2021, and an expired teacher intern license.

10. Respondent was hired by the Waterloo Community School District on August 7, 2016, as support staff. He was then hired as a teacher on August 21, 2017. On May 15, 2018, Respondent returned his signed acceptance of his 2018-2019 teaching contract to the Waterloo Community School District.

11. On August 1, 2018, Respondent sent an email, which stated he resigned from his teaching position, effective immediately. The district did not grant Respondent's requested release from his contract. Respondent did not report to work after submitting his resignation.

12. On August 7, 2018, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics. On October 5, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

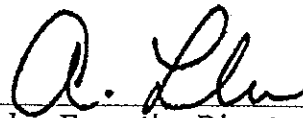
13. Investigation revealed that Respondent did abandon his contract as alleged in the complaint.

14. Respondent did not obtain a release from Waterloo Community School District prior to Respondent's resignation, as required by 282 IAC 25.3(5)(b)(1), and did not provide notice to the employing board in accordance with 282 IAC 25.3(5)(b)(2).

E. SETTLEMENT

15. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 IAC 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Complainant identified in Section A, above.

Dated this 30th day of October, 2018.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Alexander Dolly (first-class mail and restricted certified mail)
RESPONDENT

Waterloo Community School District (electronic mail)
1516 Washington Street
Waterloo, IA 50702
COMPLAINANT